

REMARKS:

The Office Action dated June 5, 2007, has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claims 1, 3-4 and 16 have been amended. New claims 17 and 18 have been added. Claims 12-13 have been cancelled without prejudice or disclaimer. No new matter has been added. Accordingly, claims 1, 3-8, 10 and 16-18 are pending in the application and submitted for consideration.

Claims 1, 3-8 and 10-11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended to correct this objection by changing "medical" to "medicinal". Claims 3 and 4 have been amended to correct the dependency from claim 1 rather than cancelled claim 2. Thus, Applicants submit that claims 1, 3-8 and 10-11 comply with the requirements of 35 U.S.C. § 112 and request that the rejections to claims 1, 3-8 and 10-11 be withdrawn.

Claim 12 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent No. 6,951,353 to Kozlowski et al. (Figures 2 and 32-35) Claims 12 and 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,345,717 to Flewitt (Figures 5 or 7C). Claims 12 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 5,549,204 to Toren. Claim 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 4,574,954 to Reid.

Claims 12-13 have been cancelled without prejudice or disclaimer to the cancelled subject matter and the preceding rejections are moot.

Claims 1, 3-4, 6-8, 10-12 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Toren in view of Reid. Claims 1, 3-8 and 12-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flewitt in view of Toren. Claims 1, 3-8, 10-12 and 16 were rejected under 35 U.S. C. § 103(a) as being unpatentable over Reid in view of Toren. Claims 10-11 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flewitt in view of Toren, as employed against claim 1 above, in view of Reid. Applicants traverse each of the rejections and submit that claims 1, 3-8, 10-11 and 16 recite subject matter is neither disclosed by the combination of the cited prior art nor would have been obvious in view of the combination of cited prior art.

Claim 1, upon which claims 3-8, 10-11 and 16 depend, recites a pack assembly that includes two packs of medicinal tablets joined together and cover pieces. The two packs are joined such that the assembly has a stowed configuration in which the medicinal tablets cannot be expelled and an opened configuration in which the medicinal tablets can be expelled. The cover pieces are in a face-to-face relation when the assembly is in its stowed configuration. Each pack includes a base wall, a cover piece and a tablet. The base wall defines a plurality of locations for the tablets, wherein at each said location there is a displaceable pocket which is substantially dome-shaped, integral with the base wall and which constitutes a recess for a tablet. The cover piece is formed from a rupturable material. The tablet is placed between the displaceable pocket and the cover piece. The base wall is of a sufficiently rigid construction as to be

resistant to permanent deformation and is elastic such that it can be reversibly flexed. A junction between the pocket and the base wall acts as a hinge such that the pockets are bistable and have a concave position in which the pocket accommodates a tablet and a convex position in which the tablet is forced from the pocket. Each pack is formed by injection moulding.

Claim 16 recites a method of manufacturing a pack according to claim 1, wherein the pack is formed by injection moulding with pockets formed in the base wall and hinges between the base wall and the pockets, wherein the hinges are pre-stressed during the manufacturing process and wherein the pockets are adapted to take a non-inverted state in which a recess for a tablet is formed in the pocket and an inverted state in which the tablet is expelled from a pocket.

Because the pocket of the pack of the present invention is dome-shaped and is joined by a hinge to the base wall such that it is bistable, removal of a tablet is very easy. The hinge readily over-centres to expel a table contained therein. Because the pocket is dome-shaped, it co-operates with the hinge and bistable features in achieving the desired inversion.

There are several non-limiting advantages arising from the claimed invention. For example, the pack may be designed so that the pockets require a selected force to invert; but when they do invert, they do so in a manner which expels the tablet forcefully. As a result the pack may be less prone to undesired expulsion of tablets (e.g. in a handbag or pocket) than packs of the Reid, Flewitt and Toren type. The packs of

the present invention retain a good appearance, have an inherent child resistance property, and are also simple to manufacture.

In contrast to the present invention, the pockets disclosed in Flewitt are cylindrical. For example, see Figures 4, 5 and 6 of Flewitt. The end wall of the cylindrical recesses can be displaced and in so doing, may be rendered convex. Further, the action of the pockets in Flewitt is quite different from that of the present invention in which positive action of a convex pocket undergoing inversion moves to its bistable configuration.

Reid discloses a dome-shaped “blister” 18, which sits over a larger “bubble” 11. It is clear from Figure 2 of Reid that the “bubble” is not dome-shaped; it is rhomboidal. Further, in the present invention, it is the dome-shaped pocket that constitutes a recess for a tablet, whereas in Reid, the tablet sits in bubble 11, which is not dome-shaped and is merely displaced by inversion of blister 18. The expulsion action would be entirely different in the device of Reid than in the present invention.

In Toren the pockets are merely cylinders.

There is no suggestion in Flewitt or Toren that a bistable, dome-shaped pocket, as claimed in the present application, could be included to enable facile expulsion of a tablet. In Reid the structure of the pocket (or bubble) is complicated by blister/bubble arrangement. Thus, Applicants submit that each of the prior art references represents the common type of blister pack product in which the tablets are expelled by crushing the pockets – whether those pockets are cylindrical or rhomboidal, or even have dome-shaped portions. In the present invention, the pocket is dome-shaped and is inverted to

drive the tablet out. Thus, the Applicants submit that there is nothing in the prior art that would point the skilled artisan in the direction of the claimed invention, and claims 1, 3-8, 10-11 and 16 recite subject matter that would not have been obvious in view of the combination of cited prior art references.

In view of the above, all rejections have been sufficiently addressed. Applicants submit that the application is now in condition for allowance and requests that claims 1, 3-8, 10-11 and 16-18 be allowed and this application passed to issue.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

By



Brian A. Tollefson
Attorney for Applicants
Registration No. 46,338
ROTHWELL, FIGG, ERNST & MANBECK
1425 K. Street, Suite 800
Washington, D.C. 20005
Telephone: (202) 783-6040